

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.20876 of 2008

HARENDRA CHAUDHAY

Versus

STATE OF BIHAR

With

Cr.Misc. No.37494 of 2008

DEEPAK CHAUDHARY

Versus

STATE OF BIHAR

3/ 19.9.2008

Since both the above applications arise out of one and the same police case, they have been heard together and are being disposed of by this common order.

According to prosecution case, while the informant's brother Sanjay Thakur was returning, petitioner Harendra Chaudhary demanded tobacco and on refusal he was assaulted by him on his head with some instrument and thereafter petitioner Deepak Chaudhary and another co-accused Sunil Choudhary pushed him on the ground and assaulted him with fists and legs and thereafter petitioner Harendra Chaudhary sat on his chest and pressed it. During treatment, he died on 26th November, 2007 and after his death the present F.I.R. was registered.

Submission is that the petitioners have been falsely implicated in this case at the instance of their enemies and no such occurrence has taken place. Further submission is that the informant's brother died due to some chronic abdominal trouble.

The post mortem report says that the deceased died on account of shock caused by peritonitis by perforation of colon though his kidneys, lungs etc. were intact.

Considering the facts and circumstances of

the case, let the petitioners namely, Harendra Chaudhary (Cr.Misc.No. 20876 of 2008) and Deepak Chaudhary (Cr.Misc.No. 37494 of 2008), be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in Hajipur Town P.S.Case No. 591 of 2007.

Tahir/-

(**Shyam Kishore Sharma, J.**)

